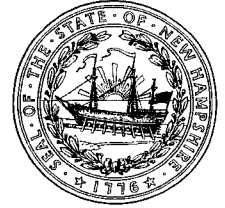




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

July 26, 2005

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 05-18

Town of Ossipee Highway Department
55 Main St.
Center Ossipee, NH 03814

Attn.: Dan Riley, Foreman

RE: Town of Ossipee Highway Garage
Ossipee, NH
EPA ID No. NHD 510180011

Dear Mr. Riley:

On May 17, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of the Town of Ossipee Highway Garage ("Ossipee Highway"), located in Ossipee, NH. The purpose of the inspection was to determine Ossipee Highway's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100 ("Rules").

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on a thirty (30) gallon container of unknown liquid labeled "Great Lakes Chemical Corporation", located in the outdoor storage area.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Rules.

DES requests that Ossipee Highway perform a hazardous waste determination on the 30-gallon container of unknown liquid. To perform this determination, Ossipee Highway should use a material safety data sheet, purchase invoice, or other product documentation to establish whether the container's contents are hazardous. Lacking product documentation, Ossipee Highway will need to characterize the waste using

laboratory analysis. This analysis, if required, should include, at a minimum, testing for ignitability, corrosivity, reactivity, and toxicity. Toxicity analysis should include the Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals and organics under Env-Wm 403.06. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

2. Env-Wm 504.02(d) and Env-Wm 504.02(e) – Generator Notification Requirements

At the time of the inspection, Ossipee Highway's notification form on file with DES included an incorrect contact name.

Env-Wm 504.02(d) and Env-Wm 504.02(e) require that generators notify DES verbally or in writing of any changes to the information required in Env-Wm 504.02(b).

DES requests that Ossipee Highway provide the required information to DES to update their notification form on file.

On June 2, 2005, Dan Riley, Foreman of the Ossipee Highway Department provided the information necessary to update their notification form with DES.

3. Env-Wm 506.01(a) – Environmental and Health Requirements

At the time of the inspection, a five (5) gallon container of toluene-based primer located in the outdoor storage area was leaking directly onto the soil.

Env-Wm 506.01(a) requires the generator not to use storage practices that pose a hazard to human health or the environment while accumulating hazardous wastes.

DES requests that Ossipee Highway store hazardous chemicals in a manner that does not pose a hazard to human health or the environment, such as ensuring that metal containers are not placed directly on the ground. DES further requests that Ossipee Highway contain the leaking waste, remediate the contaminated soil, and properly dispose of the spent material at a facility authorized to accept hazardous wastes.

4. Env-Wm 807.06(b)(4) – Used Oil Generator Standards

At the time of the inspection, five (5) containers and one (1) tank storing used oil were not labeled "Used Oil for Recycle".

Env-Wm 807.06(b)(4) requires that all containers and tanks storing used oil be labeled with the words "Used Oil for Recycle".

DES requests that Ossipee Highway correctly label their used oil containers and tank with the words "Used Oil for Recycle".

5. Env-Wm 807.06(b)(5) – Used Oil Generator Standards

At the time of the inspection, one (1) container storing used oil, located in the service bay of the facility, was open.

Env-Wm 807.06(b)(5) requires that all containers storing used oil remain closed unless used oil is being actively added to, or actively removed from the container.

DES requests that Ossipee Highway ensure that all containers storing used oil remain closed unless used oil is being actively added to, or actively removed from the container.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Ossipee Highway can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Ossipee Highway, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Tim Prospert, Waste Management Specialist
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at

<http://www.des.nh.gov/hwcs/>

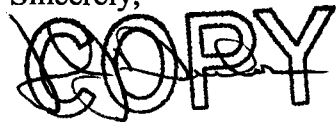
or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll-free at 1-(866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Tim Prospert, or Tod Leedberg, RCRA Compliance Supervisor, at 271-2942. Thank you for your cooperation.

Sincerely,

A large, stylized handwritten signature that reads "COPY" in all caps, written over the word "Sincerely,".

John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

RCRA/DB/UODB/LOD/ARCHIVE

cc: Anthony P. Giunta, P.G., Director, WMD
Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Programs/WMD
Gretchen Hamel, Esq., Administrator, DES Legal Unit

e-mail: Stephanie D'Agostino, DES Pollution Prevention Coordinator

Enclosures: Hazardous Waste Generator Inspection Modules
List of Laboratories for Performing Waste Analyses